



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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APRIL 3, 1985

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

ATTENTION: TSCA Section 775.190 Dioxin Notification Contact

EPA promulgated a rule on May 19, 1980, under 40 CFR Part 775.190 of the Toxic Substances Control Act requiring all persons intending to dispose of 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) to notify the Agency sixty days in advance of such disposal.* This rule is more commonly referred to as the "Vertac Rule." Over 50 persons, like yourselves, have notified EPA under this requirement.

I am writing to inform you that on January 14, 1985, EPA promulgated a rule under the Resource Conservation and Recovery Act (RCRA) that lists as hazardous certain wastes that contain chlorinated dioxins, -dibenzofurans, and -phenols as acute hazardous wastes. The rule specifies management standards for these wastes. Effective July 15, 1985, this rule revokes the "Vertac Rule" and in its place, subjects these dioxin and furan wastes to the hazardous waste regulations under RCRA.

Under these new requirements, all persons (including those who previously notified the Agency under Section 3010 of RCRA) who generate, transport, treat, store, or dispose of listed dioxin and furan wastes are required to notify EPA (or a State authorized by EPA to operate the hazardous waste management program) of their activities no later than April 15, 1985. Persons failing to notify as required may be subject to civil penalties.

In addition, all existing hazardous waste management facilities which treat, store, or dispose of wastes listed in these regulations, and which qualify to manage these wastes under interim status, must file an amended Part A permit application with EPA by July 15, 1985. (To obtain a Part A Permit Application Form, contact your EPA Regional Office as listed in the attachments to this package.)

Please note that EPA's new rule allows only selected treatment, storage and disposal facilities to manage listed dioxin and furan waste under interim status. Other facilities must apply for and receive a full Part B permit under RCRA to manage these wastes after July 15, 1985.

* TCDD wastes were defined as those resulting from the production of 2,4,5-trichlorophenol (2,4,5-TCP), or its pesticide derivatives, or substances produced on equipment that was previously used for the production of 2,4,5-TCP or its pesticide derivatives.

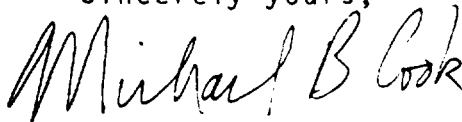
The purpose of this package is to aid you in determining whether you are affected by this new RCRA regulation, and if so, to assist you in complying with the notification requirements of the law. To that end, the following materials are enclosed:

- 1) A copy of the January 14, 1985, regulation concerning dioxin-contaminated wastes;
- 2) Copies of EPA Form 8700-12 - "Notification to EPA of Hazardous Waste Activity" and its accompanying instructions;
- 3) An address and phone number listing for each EPA Regional Office as contact for further information and for filing completed notification forms.

EPA will send an acknowledgement to each notifier indicating that the notification has been received. This acknowledgement will include the notifier's EPA Identification Number, if one was not previously issued. This number must be used on shipping manifests for transporting hazardous waste, on reports that must be filed with EPA, on applications for a Federal hazardous waste permit, and on all communications with EPA regarding regulated activities.

If you have any questions regarding the notification process, or the new dioxin regulations, please contact your appropriate EPA Regional Office for assistance, or call the RCRA/SUPERFUND Industry Assistance Hotline at (800) 424-9346 or in Washington, D.C. at (202) 382-3000.

Sincerely yours,



Michael B. Cook
Dioxin Management Coordinator

GENERAL INSTRUCTIONS

Who Must File

The Resource Conservation and Recovery Act of 1976 (RCRA) requires anyone who generates or transports hazardous waste, or who owns or operates a facility for treating, storing, or disposing of hazardous waste to notify EPA of their activity. This includes individuals, trusts, firms, joint stock companies, corporations (including government corporations), partnerships, associations, States, municipalities, commissions, interstate bodies and Federal Agencies. If you transport, treat, store, or dispose of hazardous waste without filing a notification, you may be subject to civil and criminal penalties.

Hazardous waste generators and owners and operators of facilities for treating, storing, or disposing of hazardous waste who operate underground injection wells must notify EPA using the Notification Form under RCRA. You do not have to submit a separate Notification Form under the Safe Drinking Water Act, however, you are still required to fill out inventory and other forms required under the Safe Drinking Water Act. For further information, owners and operators of underground injection wells should consult the Chief, Water Supply Branch at the nearest EPA Regional Office.

What Information Should Be Filed

When filing a notification, you must identify the hazardous wastes that you handle and give a general description of your activity including its location. You can submit all this information by completing the enclosed EPA Form 8700-12, Notification of Hazardous Waste Activity.

How Many Forms Should Be Filed

You need submit only one Notification Form per site or location, provided that you describe all the activities at that site or location. If you conduct hazardous waste activity at more than one site or location, you must submit a separate form for each site or location.

If you transport hazardous waste, and do not generate, treat, store, or dispose of hazardous waste, you may submit one form which covers all the transportation activities your company conducts. This form should be submitted to the EPA Regional Office that serves the area where your company has its headquarters or principal place of business. However, if you are a transporter who generates, treats, stores or disposes of hazardous waste, you will have to complete and submit separate Notification Forms to cover each installation.

When To File

1. WITHIN 90 DAYS OF PUBLICATION OF REGULATIONS UNDER SECTION 3001 OF RCRA: Anyone who conducts hazardous waste activity must file a notification within 90 days after EPA publishes regulations under Section 3001 of RCRA. These regulations define which solid wastes are hazardous wastes and are published under Title 40 of the Code of Federal Regulations, Part 261.

Owners or operators of facilities that treat, store, or dispose of hazardous waste must submit a notification within 90 days after the 3001 regulations are published in order to qualify for "Interim Status" - that is, temporary authority to continue their operations until a final permit is issued.

2. WITHIN 90 DAYS OF ANY AMENDMENTS TO THE SECTION 3001 REGULATIONS: From time to time, EPA may change its procedures for identifying hazardous waste, or may revise the list of hazardous waste which it has published. If you handle any wastes which are identified or listed as hazardous by an amendment to the Section 3001 regulations, you must file a notification covering these wastes within 90 days after the amendment is published.

3. NEW GENERATORS AND TRANSPORTERS: If you begin to generate hazardous waste and have not previously filed a notification, you must comply with the regulations for obtaining an EPA Identification Number published under Section 3002 of RCRA (40 CFR Part 262) before you transport hazardous waste or offer your hazardous waste to a transporter.

Similarly, if you desire to transport hazardous waste and have not previously filed a notification, you must comply with the regulations for obtaining an EPA Identification Number published under Section 3003 of RCRA (40 CFR Part 263) before you move any hazardous waste.

Persons applying for an EPA Identification Number under Section 3003 of RCRA need not complete the reverse side of the Notification Form as they may not know which wastes they will be handling.

4. TREATMENT, STORAGE, AND DISPOSAL FACILITIES: If you own or operate a facility where hazardous waste is treated, stored, or disposed, and you do not file a notification during the 90 day period following the initial publication of the Section 3001 regulations, you will not be allowed to continue your hazardous waste activities until you obtain a hazardous waste permit. Similarly, if you plan to open a new hazardous waste treatment, storage, or disposal facility, you must obtain a hazardous waste permit before commencing operations. Owners or operators of new facilities need not submit a notification, since your permit application will fulfill your notification requirements.

Confidential Information

All information you submit in a notification can be disclosed to the public, according to the Freedom of Information Act and EPA Freedom of Information Regulations. Because notification information is very general, EPA believes that it is unlikely that any information in your notification could qualify to be protected from disclosure.

However, if you wish, you may make a claim of confidentiality by printing the word "confidential" on both sides of the Notification Form and on any attachments. In addition, at the time of notification, you must submit written answers to each of the following questions:

1. Which portions of the information do you claim are entitled to confidential treatment?
2. How long do you want this information treated confidential?
3. What measures have you taken to guard against undesired disclosure of the information to others?
4. To what extent has the information been disclosed to others, and what precautions have you taken in connection with that disclosure?
5. Has EPA or any other Federal Agency made a pertinent confidentiality determination? (If so, include a copy of this determination or reference to it, if available).
6. Will disclosure of the information be likely to substantially harm your competitive position? If so, what would the harm be, and why should it be viewed as substantial? What is the relationship between disclosure and the harm?

Where To File

Notification should be sent to the EPA Regional Office that serves the area where your hazardous waste activity is located. If you received a notification packet from EPA that contains two preaddressed mailing labels, you should use one of the envelopes (included in this packet) and one of the mailing labels to send your notification to EPA (the other envelope and mailing label should be used if you submit a permit application to EPA). If you do not have a preaddressed mailing label, mail your notification to the EPA Regional Office that serves the area where your hazardous waste activity is located. The mailing addresses for the EPA Regional Offices are listed below:

| EPA REGION | AREA SERVED | NOTIFICATION MAILING ADDRESS |
|------------|---|---|
| I | Connecticut, Maine, Massachusetts, Rhode Island, Vermont, New Hampshire | EPA Region I Permits Branch P.O. Box 8748 Boston, MA 02114 |
| II | New Jersey, New York, Virgin Islands, Puerto Rico | EPA Region II Information Service Center 26 Federal Plaza New York, NY 10007 |

Item VIII

FIRST OR SUBSEQUENT NOTIFICATION: If you handle any hazardous waste that is identified in an amendment to Part 261 you will have to file a notification on that waste within 90 days after the amendment is published. Place an "X" in the appropriate box to indicate whether this is your first or a subsequent notification. If you have filed a previous notification, enter your EPA Identification Number in the boxes provided.

NOTE: If you have filed a notification before, you only need enter the four-digit numbers of those wastes that were identified in the amendment to Part 261.

Item IX

DESCRIPTION OF HAZARDOUS WASTE: You need to read Title 40, Code of Federal Regulations Part 261 in order to complete this item. Part 261 identifies those solid wastes that EPA defines to be hazardous wastes. Part 261 identifies hazardous wastes in two ways:

- (1) A number of hazardous wastes are listed by name in various tables and appendices. EPA has assigned a four-digit number to each waste that is listed to make it easier to identify the wastes.
- (2) Part 261 also lists the general characteristics of hazardous wastes. EPA has also assigned a four-digit number to these characteristics.

As you will note, item IX on the form is divided into five sections. You should use Sections A through D to identify any listed hazardous wastes which you handle; use Section E to identify those characteristics of the non-listed hazardous wastes which you handle.

You should include in Sections A through E all hazardous wastes you handled during the three-month period preceding the date of notification. If you occasionally handle a hazardous waste but did not handle that waste during the three-month period preceding the date of notification, you may also include that waste for wastes in Section A through E.

If you are a new generator applying for an EPA Identification Number under the provisions of 40 CFR Part 262, you should describe the wastes which you believe you will be generating.

If you are a new transporter applying for an EPA Identification Number under the provisions of 40 CFR Part 263, you are not required to complete item IX.

The specific instructions for Sections A through E are:

SECTION A: If you handle hazardous wastes from the non-specific sources listed in Part 261.31, enter the appropriate four-digit numbers in the boxes provided.

SECTION B: If you handle hazardous wastes from the specific industrial sources listed in Part 261.32, enter the appropriate four-digit numbers in the boxes provided.

SECTION C: If you handle any of the commercial chemical products or manufacturing intermediate or material listed in Part 261.33 as wastes, enter the appropriate four-digit numbers in the boxes provided. Manufacturers may include the products or raw materials that can be reasonably anticipated to require treatment, storage, or disposal as wastes from time to time even though you may not have handled them in the past three months.

SECTION D: If you handle any of the hazardous wastes from hospitals, veterinary hospitals, or medical and research laboratories listed in Part 261.34, enter the appropriate four-digit numbers in the boxes provided.

SECTION E: If you handle hazardous wastes which are not listed in Subpart D of Part 261, you should describe these wastes by the characteristics in Subpart C of Part 261. For purposes of notification, it is not necessary to use the four-digit numbers for each characteristic. Rather, you should place an "X" in the box next to the characteristic of those non-listed wastes which you handle.

Item X

CERTIFICATION: This certification must be signed by the owner or operator or an authorized representative of your installation. An "authorized representative" is a person responsible for the overall operation of the facility — for example — a plant manager or superintendent, or a person of equivalent responsibility.

DEFINITIONS

The following definitions are provided to help clarify the notification requirements and to assist you in completing the Notification Form. If you need a more detailed discussion of the definitions you should obtain a copy of 40 CFR Part 260 from the EPA Region Office serving your area.

DISPOSAL means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

DISPOSAL FACILITY means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

EXISTING HAZARDOUS WASTE MANAGEMENT FACILITY or EXISTING FACILITY means a facility which was in operation or for which construction had commenced, as of October 21, 1976. Construction had commenced if:

- (1) The owner or operator had obtained all necessary Federal, State, and local preconstruction approvals or permits; and
- (2)
 - (i) A continuous physical, on-site construction program had begun, or
 - (ii) The owner or operator had entered into contractual obligations — which cannot be cancelled or modified without substantial loss — for construction of the facility to be completed within a reasonable time.

Note: This definition reflects the literal language of the statute. However, EPA believes that amendments to RCRA now in conference will shortly be enacted and will change the date for determining when a facility is an "existing facility". EPA has received a letter indicating that the Conferees are considering establishing October 30, 1980 as the date for determining when a facility is an "existing facility". Accordingly, EPA encourages every owner or operator of a facility which was built or under physical construction as of the promulgation date of these regulations to file a notification and Part A of its permit application so that it can be quickly processed for interim status when the change in the law takes effect. When those amendments are enacted, EPA will amend this definition.

FACILITY means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

GENERATOR means any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this Chapter.



PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

COMMENTS

[illegible]

| | | | | | | | | | | | | | | | | | |
|--------------------------------|---|--|--|--|--|--|--|--|--|-----|----|----|----------|--|------------------------------------|----|----|
| INSTALLATION'S EPA I.D. NUMBER | | | | | | | | | | | | | APPROVED | | DATE RECEIVED (yr., mo., & day) | | |
| 3 | | | | | | | | | | T/A | C | | | | | | |
| F | | | | | | | | | | | 1 | | | | | | |
| 1 | 2 | | | | | | | | | 13 | 14 | 15 | 16 | | 17 | 18 | 19 |

[illegible]

STREET OR P.O. BOX

[illegible]

CITY OR TOWN

| ST. | ZIP CODE |
|-----|----------|
|-----|----------|

[illegible]

STREET OR ROUTE NUMBER

[illegible]

CITY OR TOWN

| ST. | ZIP CODE |
|-----|----------|
|-----|----------|

[illegible]

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)[illegible]

A. NAME OF INSTALLATION'S LEGAL OWNER

[illegible]**VI. TYPE OF HAZARDOUS WASTE ACTIVITY** (enter "X" in the appropriate box(es))

A. GENERATION

☐ **B. TRANSPORTATION** (complete item VII)

C. TREAT/STORE/DISPOSE

D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (*transporters only – enter "X" in the appropriate box(es)*)

A. AIR

☐ B. RAIL

C. HIGHWAY

D. WATER

☐ E. OTHER (specify):

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA I.D. Number in the space provided below.

A. FIRST NOTIFICATION

☐ **B. SUBSEQUENT NOTIFICATION** (complete item C)

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

III. LOCATION OF INSTALLATION

PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED

(yr., mo., & day)

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

CITY OR TOWN

ST.

ZIP CODE

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

CITY OR TOWN

ST.

ZIP CODE

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

B. TYPE OF OWNERSHIP
(enter the appropriate letter into box)

F = FEDERAL

M = NON-FEDERAL

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

☐ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☐ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

FOR FURTHER INFORMATION, PLEASE CONTACT YOUR AUTHORIZED STATE AGENCY
OR THE APPROPRIATE EPA REGIONAL OFFICE AS LISTED BELOW:

U.S. EPA - Region I
Air & Hazardous Materials Division
John F. Kennedy Bldg.
Boston, MA 02203

U.S. EPA - Region II
Water Division
26 Federal Plaza
New York, NY 10278

U.S. EPA - Region III
Air, Toxics & Hazardous Materials Division
6th & Walnut Streets
Philadelphia, PA 19106

U.S. EPA - Region IV
Air & Hazardous Materials Division
345 Courtland Street NE
Atlanta, GA 30365

U.S. EPA - Region V
Waste Management Division
16th Floor
230 S. Dearborn Street
Chicago, IL 60604

U.S. EPA - Region VI
Air & Hazardous Materials Division
1201 Elm Street
First International Bldg.
Dallas, TX 75270

U.S. EPA - Region VII
Air & Hazardous Materials Division
726 Minnesota Avenue
Kansas City, KS 66101

U.S. EPA - Region VIII
Air & Hazardous Materials Division
1860 Lincoln Street
Denver, CO 80295

U.S. EPA - Region IX
Toxics & Waste Management Division
215 Fremont Street
San Francisco, CA 94105

U.S. EPA - Region X
Air & Hazardous Materials Division
1200 6th Avenue
Seattle, WA 98101